

ADVISORY OPINION 94-009

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 17, 1994

William K. Cavanagh, Jr., Esq.
Cavanagh & O'Hara
407 E. Adams Street
P.O. Box 5043
Springfield, Illinois 62705

Dear Mr. Cavanagh:

Thank you for contacting the Registry, and thank you for supplementing your original request. Based on the information you have provided, the facts to your question can be stated as follows:

You represent a corporation which is registered in Delaware, but authorized to do business in many jurisdictions, including Kentucky. Your client does a substantial amount of business in the State of Illinois. In Illinois, corporations may lawfully make political contributions. Your corporate client has recently made a political contribution in Illinois.

Based on the facts you have provided, your question can be stated as follows:

May a Delaware corporation, authorized to do business in Kentucky and many other jurisdictions, make a political contribution in the State of Illinois where it does substantial business?

The answer to your question is yes. Section 150 of the Kentucky Constitution, which prohibits corporate money influencing an election, and the statutes under Section 150, KRS 121.025 and KRS 121.035, are broad, all inclusive laws. However, even these laws have limits. The situation you describe does not constitute a violation of Kentucky campaign finance law.

This advisory opinion should not be confused with the enclosed advisory opinion, AO 93-010. In that question, the requestor represented a Kentucky corporation which does business solely in the Commonwealth of Kentucky. In that case, KRS 121.035(2) would prohibit the contribution you postulate. Your case is distinctly different from the facts set forth in AO 93-010.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/db